

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

RIVER BAY CORPORATION

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 4:09CV77-WAP-DAS

STERICYCLE, INC., ET AL.

DEFENDANTS

ORDER

Before the court is the defendants' motion to compel (# 62). Specifically, the defendants seek an order requiring the plaintiff to produce certain documents that have been withheld on a claim of privilege. The parties have reached an agreement with regard to all the documents at issue except two letters. The plaintiff maintains that these letters are protected under the attorney work product doctrine because they contain the mental processes of counsel. The documents were properly identified in a privilege log and have been produced to the court under seal for *in camera* inspection.

The first document has been identified by the plaintiff as a draft letter dated March 17, 2009 from plaintiff's counsel, Michael Prewitt, to attorney Scott Powell discussing claims, damages, etc. of River Bay Corporation regarding litigation against 3CI and Stericycle. This letter was never sent to the intended recipient. Accordingly, the defendants do not contest the propriety of withholding this document. The second document, dated March 23, 2009, is the final version of the letter and was actually sent to Mr. Powell. The court has reviewed the document and finds that it falls squarely within the work product doctrine and is replete with plaintiff's counsel's mental impressions, legal theories, and opinions regarding this litigation. *See Hickman v. Taylor*, 329 U.S. 495, 510-11 (1947). Accordingly, because the defendants have alleged no exception to the privilege, the document should not be disclosed, and the instant motion is

DENIED.

SO ORDERED this 22nd day of April, 2010.

/s/ David A. Sanders
U.S. MAGISTRATE JUDGE